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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,668	03/26/2004	Kun-Lung Cheng	4-1036	7840

7590
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01/09/2007

EXAMINER

ELKINS, GARY E

ART UNIT

PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/809,668	Applicant(s) CHENG, KUN-LUNG	
	Examiner Gary E. Elkins	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The substitute specification and amendments to the abstract filed 26 March 2004 have not been entered or considered insofar as the amendment fails to comply with 37 CFR 1.125 (c) and 37 CFR 1.121. Submission of a substitute specification must include a clean copy as well as a marked-up copy of the new specification. Also, as per 37 CFR 1.121 (effective 30 July 2003), since the abstract is being substantially rewritten, the abstract must be submitted in clean text with instructions to cancel the previous abstract, i.e. the abstract must be provided as a substitute abstract with no markings.

Claim Rejections - 35 USC § 112

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, last line, "a strengthened trimming edge" is a double inclusion insofar as the trimming edge is being reintroduced into the claim.

In claim 2, line 1, "an edge lace covered in the trimming edge" is grammatically unclear. Does this mean ---covering the trimming edge---?

In claim 4, lines 1 and 2, "a designated edge" is unclear, i.e. "a designated edge" of what? Also, if the trimming edge is being referred to, the element is a double inclusion of an element insofar as the trimming edge was previously set forth in the claims.

In claim 4, line 3, "stitched in place of the stitch" is unclear. If the claim is attempting to no longer claim the stitching as set forth in claim 1, i.e. to replace the stitch of claim 1, then the

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phrase is inconsistent with claim 1 and the claim is an improper dependent claim since a dependent claim must include all the limitations of the parent claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by either Bauernfreund et al or Borchers. Each of Bauernfreund et al and Borchers discloses a container formed by inner cardboards covered with an outer covering of fabric which is stitched at the edges.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Bauernfreund et al or Borchers, each in view of Mintz. Each of Bauernfreund et al and Borchers discloses all structure of the claimed paperboard except formation of the stitching as an edge lace. Mintz teaches that it is known to make a container with walls formed by stitched fabric where the edge stitching is secured using separate lace covering a free edge of the fabric. It would have been obvious to make a stitched edge in Bauernfreund et al or Borchers as taught by Mintz since lace covered edges are more attractive and less likely to separate than straight

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stitching. It is noted that the securement of fabric edges using a separate stitched lace covered edge is considered to be well known.

7. Claim 3, and claim 4 as best understood in view of paragraph 2 above, are rejected under 35 U.S.C. 103(a) as being unpatentable over either Bauernfreund et al or Borchers, each in view of Pentland et al. Each of Bauernfreund et al and Borchers discloses all structure of the claimed paperboard except the use of direct stitches to secure the fabric at an edge (cl. 3) or a stitched folded over edge of the fabric (cl. 4) at an edge. Pentland et al teaches that it is known to make a container with stitched fabric edges where the stitches are directly applied to the edges as a merrow or overlocking stitch or as a folded-over edge of the fabric secured by a single line of stitching. It would have been obvious to make a stitched edge in Bauernfreund et al or Borchers with either a direct merrow type stitch or with a folded over edge of the fabric secured by single line of stitching as taught by Pentland et al as an aesthetic choice as to what style of stitch is desired and since both stitches provide good edge strength to the fabric panels and prevent unraveling of the material at the edges. Both of these types of stitching/edge formation are well known.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

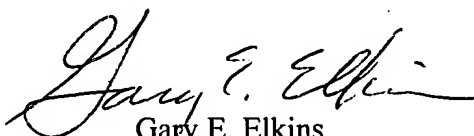
In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (571)273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.



Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
03 January 2006